

**FINDINGS OF FACT FOR DAVY'S MINOR SUBDIVISION LOCATED AT 320/322
VAUGHN SOUTH FRONTAGE ROAD, SITUATED IN SECTION 28, TOWNSHIP 21
NORTH, RANGE 2 EAST, P.M.M., CASCADE COUNTY, MONTANA**

- I.** The application requesting preliminary plat approval for Davy's Minor Subdivision was received on December 29, 2017 and was determined to contain all required components sufficient for adequate review on February 20, 2018 and scheduled for a public meeting for the Cascade County Planning Board on March 20, 2018 pursuant to statutory requirements.

Todd and Nadine Davy request preliminary plat approval for the Davy's Minor Subdivision consisting of two lots, the two proposed commercial zoned lots will be 3.967 and 6.326 acres. The total acreage of the project site is 10.293 acres.

PRIMARY REVIEW CRITERIA

Effect on Agriculture

The proposed subdivision presently consists of one (1) developed parcel of land consisting of 10.293 acres that has a vacated novelty shop with home and construction shop. It is currently zoned Commercial (C) and borders the Vaughn South Frontage Road and railroad right of way. Industrial zoned properties across Vaughn South Frontage Road, and residential zoned (Agricultural use) south of the railroad tracks. Commercial/Light Industrial uses are in the vicinity with the subject property currently being for a construction shop. Subdividing this property would not negatively impact agriculture, due to parcel size and that the property was never put into agricultural production.

The soil is a variation of silty clay. All or 100% of the area to be subdivided is not farmland of statewide importance (Marias Silty Clay).

Effect on Local Services

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection from Vaughn/Manchester Volunteer Fire Department.

Most roads surrounding the proposed subdivision are maintained by Cascade County, with Vaughn South Frontage Rd and Interstate 15 being maintained by MDT. Lots 1 and 2 will have separate approaches (already existing) onto Vaughn South Frontage Road and will not be modified.

Letters requesting comments were sent to the Montana Department of Transportation (MDT) and the Cascade County Road Division. MDT had no comment.

Effects on the Natural Environment

Subdivision of the site is not expected to create significant surface run-off problems. Roadside ditches/barrow pits are adjacent to the existing roadways, and a storm water detention pond will be constructed on-site.

Effect on Wildlife and Wildlife Habitat

This subdivision is not expected to have an adverse impact to wildlife or wildlife habitat. A letter requesting comments has been submitted to the Department of Fish, Wildlife, and Parks. MT FWP responded that the proposal will not have any concerns from FWP.

The subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

This subdivision does not appear to be subject to potential natural hazards such as rockslides. Vehicular access to the subdivision will be granted from the Vaughn South Frontage Road.

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION

The subdivision meets requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. COMPLIANCE WITH THE CASCADE COUNTY GROWTH POLICY

The proposed subdivision is in general compliance with the Cascade County Growth Policy to preserve and enhance the rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens, designing subdivisions so as to minimize the risk of fire, promoting adequate ingress and egress, adequate water supply systems, requiring local review of subdivisions to meet DEQ regulations, and by complying with weed management plans. The area is not located in a designated Resource Protection Area, Prohibitive Development Area or Conditional Development Area; therefore those standards are not applicable to the proposed subdivision.

SETBACK STANDARDS

The minimum standards must comply with the Cascade County Zoning Regulations.

SLOPE STANDARDS

Development on slopes exceeding thirty percent is prohibited except where a licensed engineer, with demonstrated experience in the field of slope stabilization certifies that the development will create no slope failure or erosion hazards.

OFF-STREET PARKING STANDARD

All parking in the proposed subdivision will be accommodated on the premises and entirely off street.

RESIDENTIAL DEVELOPMENT STANDARD

The minimum standards must comply with the Cascade County Zoning Regulations.

SOIL EROSION STANDARD

The proposed subdivision should not cause soil erosion or other adverse impacts of runoff on neighboring properties, road, or watercourses.

SOILS LIMITATIONS STANDARD

Soils that have moderate or severe limitations for the proposed subdivision will be identified and measures to mitigate such limitations will be implemented.

ROAD ACCEPTANCE AND MAINTENANCE POLICY

A waiver of the developer's right to protest an RSID is required by Cascade County to allow the county to impose an RSID on the individual lots of the subdivision for future deterioration and improvements to the roadway if it becomes necessary. A letter has been sent to the County Road Supervisor asking for comments on the proposed subdivision.

Access to the proposed subdivision will be via the Vaughn South Frontage Road. No internal road will be created by the subdivision.

FIRE PROTECTION STANDARD

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Vaughn/Manchester Volunteer Fire Department.

SCHOOL SYSTEM'S CAPACITY STANDARD

Letters were sent to the Cascade County Superintendent of Schools as well as the Great Falls Superintendent of Schools asking for comments about the proposed subdivision. The School District responded that the development could bring more workers and children to the school systems and that routes may need to change due to the increase in students.

IV. EASEMENT FOR UTILITIES

The preliminary plat proposes a 20 foot utility easement along the property lines of lots 1 and 2.

V. LEGAL AND PHYSICAL ACCESS

Legal and physical access is granted to the site via Vaughn South Frontage Road, a road maintained by Montana Department of Transportation.

VI. OPTIONS AND RECOMMENDATIONS

In making their recommendations and decisions, the Cascade County Planning Board and the Cascade County Commission shall consider the following:

- A. relevant evidence relating to the public health, safety, and welfare;
- B. the Cascade County Growth Policy; and
- C. the provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

VII. DECISION ALTERNATIVES

- Approve the proposed subdivision.
- Approve the proposed subdivision with conditions.
- Table the proposed subdivision for further study.
- Deny the proposed subdivision.